

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Chapter 11
Case No.: 6:15-bk-07275-KSJ

PROGRESSIVE PLUMBING, INC.,

PROGRESSIVE SERVICES, LLC, and
GRACIOUS LIVING DESIGN
CENTER, INC.

Jointly Administered with
Case No.: 6:15-bk-07276-KSJ
Case No.: 6:15-bk-07277-KSJ

Debtors.

PROGRESSIVE PLUMBING, INC.,

Plaintiff/Debtor,

v.

THE EVERGREEN CORPORATION,
and ALLIED WORLD SPECIALTY
INSURANCE COMPANY,

Adv. Pro. No. 6:15-ap-00145-KSJ

Defendants.

**DEFENDANT THE EVERGREEN CORPORATION'S MOTION TO
DETERMINE THAT THIS ADVERSARY PROCEEDING IS NON-CORE**

Defendant, The Evergreen Corporation, by and through its undersigned counsel and pursuant to the Administrative Order Prescribing Procedures for Adversary Proceedings dated December 18, 2014, hereby moves the Court for entry of an order determining (1) that this adversary proceeding is non-core and (2) that the Court lacks any subject matter jurisdiction at all in this adversary proceeding including without limitation any jurisdiction to enter any final orders. The Court's lack of subject matter description is explained in detail in the arguments made in the motion to dismiss the adversary complaint ("Motion to Dismiss") that has been filed by Evergreen in this adversary proceeding on this date (Doc. No. 4). The arguments made in the

Motion to Dismiss regarding the court's lack of jurisdiction are incorporated by reference into this motion.

WHEREFORE, The Evergreen Corporation requests that the Court enter an order granting this motion, dismissing this action for lack of subject matter jurisdiction and granting such further relief as the Court deems just and proper.

/s/ Michael A. Tessitore
MICHAEL A. TESSITORE
Florida Bar No. 948039
mtessitore@morankidd.com
Moran Kidd Lyons & Johnson, P.A.
111 N. Orange Ave., Suite 900
Orlando, Florida 32801
407-841-4141
407-841-4148 (fax)
Attorneys for The Evergreen Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served electronically or by United States Mail on the 23rd day of November, 2015 to: Michael A Nardella, Esq., Nardella & Nardella, PLLC, 250 East Colonial Drive, Ste. 102, Orlando, FL 32801. and Roman V. Hammes, Esq., Roman V. Hammes, P.L., 250 East Colonial Drive, Suite 305, Orlando, FL 32801.

/s/ Michael A. Tessitore